
A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. Section 514A-90, Hawaii Revised Statutes, is
3 amended by amending subsection (h) to read as follows:

4 "(h) The amount of the special assessment assessed under
5 subsection (g) shall not exceed the total amount of unpaid
6 regular monthly common assessments that were assessed during the
7 six months immediately preceding the completion of the judicial
8 or nonjudicial power of sale foreclosure. In no event shall the
9 amount of the special assessment exceed the sum of [~~\$1,800.~~]
10 \$ _____."

11 SECTION 2. Section 514B-146, Hawaii Revised Statutes, is
12 amended by amending subsection (h) to read as follows:

13 "(h) The amount of the special assessment assessed under
14 subsection (g) shall not exceed the total amount of unpaid
15 regular monthly common assessments that were assessed during the
16 six months immediately preceding the completion of the judicial
17 or nonjudicial power of sale foreclosure. In no event shall the



1 amount of the special assessment exceed the sum of [~~\$1,800.~~]
2 \$_____."

3 PART II

4 SECTION 3. Section 514B-142, Hawaii Revised Statutes, is
5 amended by amending its title and subsections (a) to (d) to read
6 as follows:

7 "[~~f~~]**\$514B-142[~~f~~]** **Aging in place or disabled; limitation on**
8 **liability.** (a) The association, its directors, unit owners[~~r~~]
9 or residents, and their agents and tenants, acting through the
10 board, shall not have any legal responsibility or legal
11 liability, with respect to any actions and recommendations the
12 board takes on any report, observation, or complaint made, or
13 with respect to any recommendation or referral given, which
14 relates to an elderly or disabled unit owner or resident who[~~r~~]
15 may require services and assistance to maintain independent
16 living in the unit in which the elderly or disabled unit owner
17 or resident resides, so that the elderly or disabled unit owner
18 or resident will not pose any harm or health or safety hazards
19 to self or to others, and will not otherwise be disruptive to
20 the condominium community because of the following problems of
21 aging and aging in place[~~r~~] or living independently with a
22 physical or mental handicap or disabling condition:



1 (1) The inability to clean and maintain an independent

2 unit;

3 (2) Mental confusion;

4 (3) ~~[Abusing]~~ Physically or mentally abusing others;

5 (4) Inability to care for oneself; or

6 (5) Inability to arrange for home care[~~+~~

7 ~~(6) Loneliness and neglect; or~~

8 ~~(7) Inappropriate requests of others for assistance.~~

9 ~~For purposes of this section, "elderly" means age sixty two and~~

10 ~~elder].~~

11 (b) Upon a report, observation, or complaint relating to

12 an elderly or disabled unit owner or resident aging or aging in

13 place, or living independently with a physical or mental

14 handicap or disabling condition which notes a problem similar in

15 nature to the problems enumerated in subsection (a), the board,

16 in good faith, and without legal responsibility or liability,

17 may request a functional assessment regarding the condition of

18 an elderly or disabled unit owner or resident as well as

19 recommendations for the services, including appropriate

20 assistance from mental health or medical practitioners or the

21 governmental agencies responsible for adult protective services,

22 which the elderly or disabled unit owner or resident may require



1 to maintain a level of independence that enables the owner to
2 avoid any harm to self or to others, and to avoid disruption to
3 the condominium community. The board, upon request or
4 unilaterally, and without legal responsibility or liability, may
5 recommend available services, including assistance from state or
6 county agencies, to an elderly or disabled unit owner or
7 resident which might enable the elderly or disabled unit owner
8 or resident to maintain a level of independent living with
9 assistance, enabling in turn, the elderly or disabled unit owner
10 or resident to avoid any harm to self or others, and to avoid
11 disruption to the condominium community.

12 (c) There is no affirmative duty on the part of the
13 association, its board, the unit owners[7] or residents or their
14 agents or tenants to request or require an assessment and
15 recommendations with respect to an elderly or disabled unit
16 owner or resident when the elderly or disabled unit owner or
17 resident may be experiencing the problems related to aging and
18 aging in place, or living independently with a physical or
19 mental handicap or disabling condition enumerated in subsection
20 (a). The association, its board, unit owners[7] or residents,
21 and their agents and tenants shall not be legally responsible or
22 liable for not requesting or declining to request a functional



1 assessment of, and recommendations for, an elderly or disabled
2 unit owner or resident regarding problems relating to aging and
3 aging in place[-], or living independently with a physical or
4 mental handicap or disabling condition.

5 (d) If an elderly or disabled unit owner or resident
6 ignores or rejects a request for or the results from an
7 assessment and recommendations, the association, with no
8 liability for cross-claims or counterclaims, may file
9 appropriate information, pleadings, notices, or the like, with
10 appropriate state or county agencies or courts to seek an
11 appropriate resolution for the condominium community and for the
12 elderly or disabled unit owner[-] or resident.

13 (e) For the purposes of this section:

14 "Elderly" means age sixty-two and older.

15 "Disabled" means a physical or mental impairment that
16 substantially limits one's ability to carry out normal day-to-
17 day activities; provided that these impairments do not include
18 substance abuse and visual impairment that is correctable by
19 prescription lenses."



1 PART III

2 SECTION 4. This Act does not affect rights and duties that
3 matured, penalties that were incurred, and proceedings that were
4 begun, before its effective date.

5 SECTION 5. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 6. This Act shall take effect on January 1, 2050.



Report Title:

Condominiums; Assessments; Aging in Place

Description:

Increased the maximum amount of the special assessment for delinquent monthly common assessments that can be charged against a person who purchases a condominium unit. Expands limitations on association liability for elderly unit owners or residents aging in place to include disabled persons. (HB876 HD1)

